

CD Rom



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTENTION:

BOX: MISSING PARTS

Group Art Unit **1645**

Examiner: Unassigned

Re Application of :

Andre ROSENTHAL et al.

Serial No.: 09/930,213

Filed: January 31, 2001

For: DETECTION OF DIFFERENTIAL GENE EXPRESSIONS

RESPONSE TO NOTICE TO FILE MISSING PARTS

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

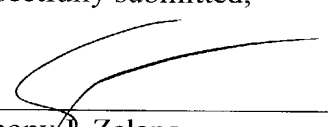
In response to the Notice to File Missing Parts dated February 26, 2002:

- ☒ Attached is a Declaration and Power of Attorney in compliance with 37 CFR § 1.53 along with the late filing surcharge of \$130.00
- ☒ Applicant(s) include the filing fee of \$740.00.
- ☒ Applicant(s) include the extra claims fee of \$ 108.00 for 6 claims in excess of 20, \$18.00 per additional claim.
- ☒ Applicant(s) include an executed assignment and Recordation Form Cover Sheet with the recordation fee of \$40.00 (Check No. 24075).
- ☒ Attached is a copy of the Notice to File Missing Parts.
- ☐ Applicant(s) request that the time for taking action in this case be extended pursuant to 37 CFR 1.136(a) for a period of month(s) along with the fee of \$.
- ☐ Applicant(s) are entitled to small entity status.
- ☐ Attached is a verified English translation of the language text filed on along with the fee of \$130.00.
- ☐ Applicant(s) provide the title of the invention/inventor(s) name(s) and address(es) on the attached provisional application cover sheet along with the \$50/\$25 surcharge.
- ☒ Attached is the Sequence Disclosure as required.

- ☒ Attached is Priority Document- **Germany, 100 04 102.7 filed 31 January 2000.**
- ☒ Attached are the substitute drawings as required.
- ☒ Attached is a Preliminary Amendment.

Attached is a check in the amount of \$ 978.00. However, the Commissioner is hereby authorized to charge fees under 37 CFR § 1.16 and § 1.17 which may be required to facilitate this filing, or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,



Anthony J. Zelano
Registration No. 27,969
Attorney/Agent for Applicants

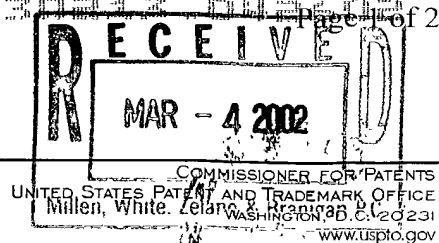
MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza I
2200 Clarendon Blvd. Suite 1400
Arlington, Virginia 22201
Telephone: (703)243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: ALBRE-14

Date: April 26, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE



#6

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/930,213	01/31/2001	Andre Rosenthal	PATWA-8 AKB614

CONFIRMATION NO. 8558

FORMALITIES LETTER



MILLEN, WHITE, ZELANO & BRANIGAN, P C
Arlington Courthouse Plaza I
Suite 1400
2200 Clarendon Boulevard
Arlington, VA 22201

Date Mailed: 02/26/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing. ^{740.00}
Applicant must submit \$ ~~710~~ to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$396
¹⁰⁸ ■ ~~\$126~~ for ~~7~~ total claims over 20.
■ ~~\$270 for multiple dependent claim surcharge.~~
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ ~~1236~~. ^{978.00}

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because.
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

05/01/2002 KZENDIE 00000008 09930213

740.00 OP
130.00 OP
108.00 OP

01 FC:101
02 FC:105
03 FC:103

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**MILLEN, WHITE, ZELANO & BRANIGAN, P.C.**

LAW OFFICES

2200 CLARENDON BOULEVARD
SUITE 1400
ARLINGTON, VIRGINIA 22201

I. WILLIAM MILLEN
JOHN L. WHITE
ANTHONY J. ZELANO
JOHN R. MOSES
HARRY B. SHUBIN
BRION P. HEANEY
RICHARD J. TRAVERSO
ALAN E. J. BRANIGAN

PHONE: 703/243-6333
TELECOPIER: 703/243-6410
E-MAIL: MAIL@MWZB.COM

RICHARD M. LEBOVITZ¹
JOHN A. SOPP
JOHN H. THOMAS
JAMES E. RULAND²
JEFFREY R. COHEN
JEFFREY A. SMITH²
JONATHAN G. BROWN²
CSABA HENTER²
SCOTT J. MAJOR¹
NANCY J. AXELROD, PhD³
JENNIFER J. BRANIGAN³
ROBERT E. MCCARTHY, PhD³

WRITER'S DIRECT DIAL:

WRITER'S E-MAIL:

January 29, 2002

Kevin Little
U.S. Patent and Trademark Office
Crystal Plaza 2, 7th Floor
Arlington, VA

RICHMOND OFFICE:
1561 EAST MAIN STREET
RICHMOND, VA 23219

Re: U.S. Patent Application No. 09/930,213.
Our Ref.: ALBRE-14

Dear Mr. Little:

Thank you for your assistance with this application. As we discussed enclosed are copies of Figure 11 (pages 1-51), Figure 12 (pages 1-228) and Figure 13 (pages 1-6) as filed in the application that was crossed with another serial number.

If you have any questions, please do not hesitate to contact me. And again, thanks for all of your help.

Sincerely,

JoAnn P. Hughes

JPH/jph